

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

RICHARD GALLO,
Plaintiff
v.
RICHARD SNYDER, *et al.*,
Defendant

Case No. 3:19-cv-00299-MMD-WGC
ORDER

On June 3, 2019, Plaintiff Richard Gallo (#23128) initiated this prisoner civil rights action under 42 U.S.C. § 1983 when he was in the custody of the Nevada Department of Corrections (“NDOC”). (ECF No. 1-1). On April 22, 2020, the Court confirmed from the NDOC inmate database that Plaintiff died on April 18, 2020.

Pursuant to Federal Rule of Civil Procedure 25(a)(1), “[i]f a party dies and the claim is not extinguished, the court may order substitution of the proper party. A motion for substitution may be made by any party or by the decedent’s successor or representative. If the motion is not made within 90 days after service of a statement noting the death, the action by or against the decedent must be dismissed.” Fed. R. Civ. P. 25(a)(1). As such, if there is no motion for substitution filed within 90 days from the date of this order, the Court will dismiss the case.

For the foregoing reasons, it is ordered that the Court will dismiss this case in 90 days from the date of this order if there is no motion for substitution filed pursuant to Federal Rule of Civil Procedure 25(a)(1).

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1 It is further ordered that the application to proceed *in forma pauperis* (ECF No. 1)
2 is denied as moot.

3 DATED THIS 15th day of May 2020.

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6 MIRANDA M. DU
7 CHIEF UNITED STATES DISTRICT JUDGE
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